IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE THIRTIETH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE D.S.R.VARMA

WRIT PETITION NOS : 6817, 6818, 6820 AND 6822 of 2005

WRIT PETITION NO : 6817 of 2005

Between:

Sri Rama Venkata Ratnam Rice Mills, Narasimhapuram Village, Bhimavaram Mandal,
West Godavari District, Rep. by its Partner Mr. K. Gopal Krishna Murhty S/o. Sri Sreerama Murthy
aged about 58 years.

..... PETITIONER

AND

1 The Assistant Divisional Engineer Operations, Eastern Power Distribution Company of A.P. Limited,
Bhimavaram, West Godavari District.
2 The Assistant Accounts Officer, Eastern Power Distribution Company of A.P. Limited,
Bhimavaram, West Godavari District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order direction or writ particularly one in the nature of writ of MANDAMUS or any other appropriate writ declaring the proceedings No. ADE/O/BVRM/S.Er/F.No. Addl. Load/ D.No. 125/05 dt. 17-3-2005 requiring the petitioner to convert his service connection bearing No. 33/Cat.III(A) convert from L.T. category to H.T. Category service as illegal, arbitrary and violative of principles of natural justice consequently set aside the same and pass other order or orders in the interest of justice.

Counsel for the Petitioner: SMT.K.UDAYA SRI

Counsel for the Respondents: (SC FOR AP TRANSCO) V.AJAY KUMAR

The Court at the stage of admission made the following :

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WRIT PETITION NO : 6818 of 2005

Between:

Vijaya Venkata Krishna Rice Mill, Narasimhapuram Village, Bhimavaram Mandal, W.G.District rep., by its
Partner Mr.Chavva Bhama Krishna Murthy s/o Sri Ch.Alwal Rao,

..... PETITIONER

AND

1 The Assistant Divisional Engineer Operations, Eastern Power Distribution Company of A.P., Limited,
Bhimavaram, West Godavari District.
2 The Assistant Accounts Officer, Eastern Power Distribution Company of A.P.Limited,
Bhimavaram, West Godavari District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order direction or writ particularly one in the nature of writ of MANDAMUS or any other appropriate writ declaring the proceedings No.ADE/O/BVRM/S.Er/F.No.Addl.Load/D.No.127/05 dated 17-3-2005 requiring the petitioner to convert his service connection No.98/Cat.III from L.T.Category of H.T.Category service as illegal, arbitrary and violative of principles of natural justice and consequently set aside the same and passother order or orders in the interest of justice.

Counsel for the Petitioner:SMT.K.UDAYA SRI

Counsel for the Respondent No.: (SC FOR AP TRANSCO) V.AJAY KUMAR

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WRIT PETITION NO : 6820 of 2005

Between:

Sri Suryanarayana Rice Mill, Chinna Amiram Village, Bhimavaram Mandal, West Godavari District rep., by its Partner Sri J.Gowtam Kumar, s/o Sri J.Brahmaji Rao

..... PETITIONER

AND

1 The Assistant Divisional Engineer Operations, Eastern Power Distribution Company of A.P.Limited,
Bhimavaram, West Godavari District.
2 The Assistant Accounts Officer, Eastern Power Distribution Company of A.P.Limited,
Bhimavaram, West Godavari District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order direction or writ particularly one in the nature of writ of Mandamus or any other appropriate writ declaring the proceedings No.ADE/O/BVRM/S.Er./F.No.Addl.Load/D.No.128/05 dated 17-3-2005 requiring the petitioner to convert his service bearing No.6831/Cat.III of D2 from L.T.Category of H.T.Category service as illegal and arbitrary and consequently set aside the same and pass other order or orders in the interest of justice.

Counsel for the Petitioner: SMT.K.UDAYA SRI

Counsel for the Respondent No.: (SC FOR AP TRANSCO) V.AJAY KUMAR

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WRIT PETITION NO : 6822 of 2005

Between:

Sri Radha Krishna Rice Mill, Undi Road, Narasimhapuram - 534 202, Bhimavaram Mandal,
West Godavari District Rep. by its partner Mr. K.V.S.R. Narayana
S/o Sri K. Radhakrishna aged about 38 years.

..... PETITIONER

AND

1 The Assistant Divisional Engineer Operations Eastern Power Distribution Company of A.P. Limited,
Bhimavaram, West Godavari District.
2 The Assistant Accounts Officer, Eastern Power Distribution Company of A.P. Limited,
Bhimavaram, West Godavari District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order direction or writ particularly one in the nature of writ of Mandamus or any other appropriate writ declaring the proceedings No. ADE/O/BVRM/S.Er/F.No. Addl. Load/D.No. 126/05 dated 17-3-2005 requiring the petitioner to convert his service connection bearing No. 27/Cat.III from L.T. category to H.T. category service as illegal and arbitrary and consequently set aside the same and pass other order or orders in the interest of justice.

Counsel for the Petitioner: SMT.K.UDAYA SRI

Counsel for the Respondent No.: (SC FOR AP TRANSCO) V.AJAY KUMAR

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COMMON ORDER:.

Heard both sides.

Since the issue involved in these Writ Petitions is one and the same, they are being disposed of by this common order, with the consent of both the parties.

In these Writ Petitions, petitioners are challenging the order passed by the first respondent in Lr.No. ADE/O/BVRM/S.Er/F.No: Addl.load/D.No.125/05 dated 17.3.2005 wherein and whereby the petitioners were directed to comply with certain conditions within one month. The conditions to be complied with are; firstly to furnish H.T application for conversion of LT service into H.T Service, and secondly to pay the development charges and service line charges as per sanction, for the reason that in the inspection it was noticed that the petitioners had exceeded the contracted load of 74.96 HP by connecting a load of 82 HP+840 W.

The contention of the learned counsel appearing for the petitioners is that there is no reasonable opportunity given to petitioners before asking them to comply with the conditions directions as referred to above. The further contention of the petitioners is that already explanation had been offered by the petitioners and the same is still pending consideration with the respondents without any final orders being passed.

Learned counsel appearing for the respondents contends that the impugned proceedings only direct the petitioners to comply with certain conditions since the

petitioners were noticed to have exceeded the contracted load and inasmuch as they did not comply with the conditions even though they were given sufficient time to comply with the directions. He, therefore, submits that the question of violating the principles of natural justice does not arise in this case.

However, having regard to the facts and circumstances of the case, particularly since the petitioners were straightaway directed to comply with the conditions mentioned in the impugned proceedings, it should be deemed that there was no reasonable opportunity given to the petitioners, the impugned proceedings amount to a final order.

For the foregoing reasons, these Writ Petitions are disposed of at the admission stage, with the following directions:-

1. The impugned proceedings shall be treated as a show-cause notice issued to the petitioners.

2. The petitioners shall submit their explanation to the show-cause notice within two weeks from today.

3. After receipt of application from the petitioners, the respondents shall pass appropriate orders in the matter in accordance with law, as expeditiously as possible.

4. Till final orders are passed by the respondents as directed above, the impugned proceedings shall not be given effect to.

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D.S.R. VARMA, J

DATED: 30.03.2005

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To

1 The Assistant Divisional Engineer Operations, Eastern Power Distribution Company of A.P. Limited,
Bhimavaram, West Godavari District.
2 The Assistant Accounts Officer, Eastern Power Distribution Company of A.P. Limited,
Bhimavaram, West Godavari District.

3. Two CD copies.